IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Group Art Unit No.: 2431
Richard Kabzinski, et al.	Examiner: Syed Zia
Serial No.: 10/551,674	Confirmation No.: 5546

Filed on: October 3, 2006

For: SECURITY SYSTEM AND METHOD FOR
       COMPUTER OPERATING SYSTEMS

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

<u>REPLY TO OFFICE ACTION</u>

Sir:

In reply to the first Office Action mailed April 2, 2009, the shortened statutory period for which runs until July 2, 2009, extended three (3) months to October 2, 2009, please reconsider the subject application in light of the amendments and remarks herein.

I.   ISSUES RELATING TO PRIOR ART

Claims 29-52 stand rejected as allegedly anticipated by US Pat. No. 7,036,020 (document D1). The rejection is respectfully traversed.

Anticipation is supported only if the cited prior art discloses each and every feature of the claims, arranged as in the claims. Conversely, if the prior art is missing a feature of the claims, then the claims are not anticipated.

The claimed invention differs from the disclosure of D1 in a fundamental way. As recited in claims 29 and 42, an operating system is stored in a security partition of a storage device of a computer. On the other hand, D1 describes a computer system in which an operating system is stored **separately from a security partition** on a conventional storage device of a computer.

At column 4, lines 33-36, D1 states that "a primary objective of the present methods and system is to provide a computer security system that is substantially not dependent on an operating system." This objective is achieved at column 3, lines 37-39 where it states "the method includes creating at least one security partition in, and restricting access to, at least a portion of the storage device by the operating system." The stated objective and concept of D1 therefore makes it clear that **the operating system is not stored in the security partition**. Nowhere in D1 is it stated that the operating system is stored on the security partition and, instead throughout D1 it is continually stated that the operating system and the security partition are separate.

Further examples are provided in column 5, lines 25-50 and FIG. 3. Throughout this section, D1 describes that the storage device 30 has security partition data 32 and authority records 34, 36 and 38 in a security partition of the storage device 30. The specification goes on to refer to the operating system file system 42 as separate to the security partition and not permitted to access the security partition data 32. Further support is found at column 5, lines 46-50, which state that "this independence of the security partition data 32 from the OS file system 42 provides an important benefit of the present security methods and systems: to create a location on a computer system where information such as a secret can be effectively concealed."

In a specific example described in D1, a security partition of the storage device contains authority records and security partition data, and access to the security partition and thereby to the authority records and security partition data by the operating system, is restricted. In this way, the authority records and security partition data are **concealed from the operating system**. The claimed invention, in contrast, would allow the operating system access to data stored in the security partition since the operating system would be stored in the same security partition.

In summary, D1 does not disclose or teach towards a security partition formed in the storage device wherein the operating system is stored in the security partition. Accordingly, the present claims are not anticipated by D1 and the rejection should be withdrawn.

Reconsideration is respectfully requested.

II.   CONCLUSIONS & MISCELLANEOUS

For the reasons set forth above, all of the pending claims are now in condition for allowance. The Examiner is respectfully requested to contact the undersigned by telephone relating to any issue that would advance examination of the present application.

A petition for extension of time, to the extent necessary to make this reply timely filed, is hereby made. If applicable, a check for the petition for extension of time fee and other applicable fees is enclosed herewith. If any applicable fee is missing or insufficient, throughout the pendency of this application, the Commissioner is hereby authorized to charge any applicable fees and to credit any overpayments to our Deposit Account No. 50-1302.

Respectfully submitted,

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Dated: October 2, 2009   _____/ChristopherJPalermo#42056/_____
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